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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,441	02/23/2004	Gregory R. Dion	P1740 US (2650/167)	8237

28390 7590 06/09/2006

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EXAMINER	
HOEKSTRA, JEFFREY GERBEN	
ART UNIT	**PAPER NUMBER**
3736	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,441	DION ET AL.	
	Examiner	Art Unit	
	Jeffrey G. Hoekstra	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *19-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 1, drawn to claims 1-18, in the reply filed on 05/15/2006 is acknowledged.

2. Claims 19-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/15/2006.

Information Disclosure Statement

3. The information disclosure statement(s) (IDS) submitted on 02/23/2004 is/are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement(s).

Double Patenting

4. Claims 1 and 10-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/702008. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case claims are merely a broader recitation of the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by McGill et al (US 2002/0072730 A1).

7. For claims 1-4, McGill et al discloses a controller for an intravascular device, comprising: (a) an inflation adaptor as best seen in Figures 8A-9 including a housing 118; (b) a clamping device 156b positioned within the housing, the clamping device including a jaw, the parallel interior walls of element 156b, with a planar surface and an anvil 164 wherein the jaw includes a tapered section having a shoulder to contain an extended valve stem 22 and a hollow guidewire 24 when the extended valve stem and the hollow guidewire are positioned in a medial v-groove alignment block (paragraphs 81-90); and (c) a medial v-groove alignment block 182 (paragraphs 81 and 86-90) attached to the anvil wherein a portion of the extended valve stem 22 and the hollow 24 guidewire are received in the medial v-groove alignment block and are engaged by the clamping device to allow the extended valve stem 22 and the hollow guidewire 24 to be axially translated relative to each other to control a flow of an inflation fluid through the hollow guidewire when the clamping device is in a clamped position (paragraphs 76-90).

8. For claims 5-7, McGill et al discloses a controller for an intravascular device, wherein (a) the medial v-groove alignment block is attached to or formed integrally with

the housing (paragraphs 76-90) as best seen in Figures 8A-9 and (b) the anvil is adapted to receive the medial v-groove alignment block and includes an elongated longitudinally oriented channel (paragraphs 76-90) as best seen in Figures 8A-9.

9. For claims 8-9, McGill et al discloses a controller for an intravascular device, wherein the clamping device includes (a) a set of distal pads 160e,160f and a set of medial pads 160c,160d to engage the hollow guidewire received in the medial v-groove alignment block and (b) a set of sliding pads 160a,160b to engage the extended valve stem and to control the axial translation of the valve stem relative to the hollow guidewire (paragraphs 76-90) as best seen in Figures 8A-9.

10. For claims 10-11, McGill et al discloses a controller for an intravascular device, comprising: proximal and distal v-groove alignment blocks, located at the proximal-most and distal-most ends of element 182, (paragraphs 81 and 86-90) attached proximate to the proximal and distal ends of the inflation adaptor respectively, wherein the proximal and distal v-groove alignment blocks are axially aligned with the medial v-groove alignment block to receive the extended valve stem and the hollow guidewire, respectively.

11. For claims 12 and 17, McGill et al discloses a controller for an intravascular device, comprising: a multi-position actuation knob 134 coupled to the clamping device, wherein a first position of the actuation knob allows insertion of the extended valve stem and the hollow guidewire into the clamping device, and wherein moving the actuation knob from the first position to a second position of the actuation knob activates the clamping device to engage the extended valve stem and the hollow guidewire, and

wherein moving the actuation knob from the second position to a third position of the actuation knob translates the valve stem relative to the hollow guidewire to control the flow of the inflation fluid into a inflatable balloon (paragraphs 85-90).

12. For claims 13 and 18, McGill et al discloses a controller for an intravascular device, comprising: an inflation fluid supply port 352 (paragraphs 9 and 154-161), wherein the inflation fluid from an inflation fluid supply connected to the inflation fluid supply port is injected through a portion of the hollow guidewire when the clamping device is in a clamped position and a plug valve within the hollow guidewire is in an open position.

13. For claims 14 and 15, McGill et al discloses a controller for an intravascular device, comprising: an inflatable balloon 14 (paragraphs 137-138) attached proximate to a distal end of the hollow guidewire; wherein a portion of the extended valve stem and the hollow guidewire are received in the medial v-groove alignment block and are engaged by the clamping device to allow the valve stem and the hollow guidewire to be axially translated relative to each other to control the flow of the inflation fluid into the inflatable balloon and wherein the inflatable balloon comprises an occlusion balloon.

14. For claim 16, McGill et al discloses a controller for an intravascular device, comprising: a plug valve 324 having a valve plug attached to a portion of the valve stem positioned within a central lumen of the hollow guidewire (paragraphs 154-161), wherein the plug valve is positioned in one of an open position or a closed position when the valve stem and the hollow guidewire are translated relative to each other to control the flow of the inflation fluid into the inflatable balloon (paragraphs 154-161).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: McGill et al (US 2004/0143283 A1) discloses a controller for an intravascular device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JH

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